

## **DESIGN WITHIN FUNDING LIMITATIONS**

[A – E - 09/04] [FAR 52.236-22, 04/08]

- (a) The Subcontractor shall accomplish the design services required under this Subcontract so as to permit the award of a Subcontract for the construction of the facilities designed at a price that does not exceed the estimated construction Subcontract price as set forth in this Subcontract. When bids or proposals for the construction Subcontract are received that exceed the estimated price, the Subcontractor shall perform such redesign and other services as are necessary to permit Subcontract award within the funding limitation. These additional services shall be performed at no increase in the price of this Subcontract. However, the Subcontractor shall not be required to perform such additional services at no cost to the Institute if the unfavorable bids or proposals are the result of conditions beyond its reasonable control.
- (b) The Subcontractor will promptly advise JPL if it finds that the project being designed will exceed or is likely to exceed the funding limitations and it is unable to design a usable facility within these limitations. Upon receipt of such information, JPL will review the Subcontractor's revised estimate of construction cost. JPL may, if it determines that the estimated construction Subcontract price set forth in this Subcontract is so low that award of a construction Subcontract not in excess of such estimate is improbable, authorize a change in scope or materials as required to reduce the estimated construction cost to an amount within the estimated construction Subcontract price, or JPL may adjust such estimated construction Subcontract price.